

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ATLAS DATA PRIVACY  
CORPORATION, *et al.*,

Plaintiffs,

v.

BABEL STREET INC., et al.,

Defendants.

Civil Action No. 1:24-cv-10596

Honorable Harvey Bartle III

**MOTION TO STAY OR EXTEND RESPONSIVE PLEADING DEADLINE**

Defendant Babel Street, Inc. (“Babel”) respectfully requests that the Court (i) stay Babel’s deadline to respond to the Complaint, or (ii) in the alternative, extend Babel’s responsive pleading deadline until January 10, 2025.

In support of this request, Babel states as follows:

1. On or about October 18, 2024, Plaintiffs filed this action against Babel in the Superior Court of the State of New Jersey, Essex County. *See Atlas Data Privacy Corp. et al. v. Babel Street, Inc.*, Dkt. No. ESX-L-007260-24 (the “Action”).

2. On October 22, 2024, Plaintiffs effected service on Babel.

3. On November 19, 2024, Babel removed the Action to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. *See* Dkt. No. 1.

4. On November 25, 2024, Babel filed an Application for Clerk’s Order Extending Time to Answer until December 10, 2024. Dkt. No. 7. The Clerk granted that Application on November 26, 2024, extending Babel’s deadline to respond to the Complaint until December 10. Babel has not obtained any other stay or extension.

5. Over the past year, Atlas has filed more than 150 actions in New Jersey State Court alleging violations of Daniel’s Law. At least 70 of those cases were removed to this Court and assigned to Your Honor(collectively, the “Removed Actions”). *E.g., Atlas Data Privacy Corp v. Lightbox Parent, L.P.*, No. 24-cv-04105 (D.N.J.); *Atlas Data Privacy Corp. v. Valassis Digital Corp.*, No. 24-cv-04770 (D.N.J.); *Atlas Data Privacy Corp. v. Thomson Reuters Corp.*, No. 24-cv-04269 (D.N.J).

6. On May 3, 2024, Plaintiffs filed a Motion to Remand in more than 40 of the Removed Actions (“Motion to Remand”).

7. On May 8, 2024, the Court ordered that the Removed Actions “*are stayed* pending further order of the court . . . except” as expressly set forth in the Court’s order and “as to discovery and briefing on subject matter jurisdiction over the Defendants that are subject to remand motions.” *E.g., Lightbox Parent*, No. 24-cv-04105, Dkt. No. 20 (emphasis added).

8. On November 21, 2024, the Court granted the Motion to Remand and remanded the Removed Actions (“Remand Order”). *E.g., Lightbox Parent*, No. 24-cv-04105, Dkt. No. 72. On December 2, 2024, the defendants in the Removed Actions filed two Joint Petitions for Permission to Appeal Under 28 U.S.C. § 1453(c) with the U.S. Court of Appeals for the Third Circuit.

9. On December 4, 2024, the parties in this Action participated in a meet and confer to address the schedule in light of the pending interlocutory appeal, which may impact whether this Action should remain in federal court. Babel explained its position that this Action should be stayed in federal court during the short period of time it will take to resolve the interlocutory appeal in the Removed Actions, which would avoid the procedural complexities and burdens of remanding a case that may need to be removed back to federal court and joining petitions to appeal that have already been filed.

10. Plaintiffs would not agree to this proposal, so as a secondary proposal, Babel requested that Plaintiffs consent to extend Babel’s responsive pleading deadline by one month, to January 10, in light of the Action’s complex procedural status and the upcoming holidays, when many of Babel’s employees and counsel will be out of the office. Plaintiffs refused to grant this routine request without imposing unnecessary and premature conditions. Specifically, they would not agree to an extension unless Babel agreed to remand the Action by December 10—

in effect, demanding a commitment before the December 10 status conference set by Your Honor. While Babel agrees there is no reason for the parties in this Action to re-brief the jurisdiction issues Your Honor addressed in the Remand Order, Babel's position continues to be that this case is properly in federal court. Plaintiffs' demand that Babel agree to immediate remand would require Babel to risk waiver of its right to petition for appeal of remand in this Action in the same manner as the other defendants in the Removed Actions have done.

11. The Court should grant either a stay or a one-month extension of Babel's responsive pleading deadline. There is good cause for a stay or routine extension in light of the complex procedural status of the Action and the upcoming holidays. *See* Fed. R. Civ. P. 16(b). A stay or extension will also promote judicial economy and conserve party resources by providing additional time for the Third Circuit to resolve the petitions filed by the defendants in the Removed Actions, which will help determine in which court this Action should proceed. A stay would also promote judicial economy by putting this Action on the same footing as the Removed Actions. And Atlas will suffer no prejudice as a result of a stay or extension, including because this Action was filed many months after the other Removed Actions, whose responsive pleading deadlines have been stayed since August 8, 2024.

WHEREFORE, Babel respectfully requests that the Court issue either a stay or an order extending Babel's deadline to answer or otherwise respond to the Complaint until January 10, 2025.

Dated: December 9, 2024

Respectfully submitted,

/s/ David A. Luttinger, Jr.

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